

## REMARKS

Claims 2, 14, 19, 31, 36 and 48 are amended to remove the recitation of “hybridization”. Support for the amendments may be found, for example on pages 14 (lines 11-15) and 15 (lines 10-24) of the Specification. No new matter is presented by the amendments.

### *Claim rejections under 35 U.S.C § 112, second paragraph should be withdrawn*

Claims 2-12, 14-17, 19-29, 31-34, 36-46 and 48-51 are rejected under 35 U.S.C § 112, second paragraph, for allegedly being indefinite for failing to point out what is included or excluded by the claim language. Applicants respectfully disagree. The Examiner has failed to provide sufficient reasons for this rejection. One of ordinary skill in the art would understand the bounds of the Claims, either when read alone or when read in light of the specification. The Examiner further alleges that “this claim is an omnibus type claim”. Applicants respectfully seek clarification from the Examiner and request that this rejection be withdrawn.

The Office Action also alleges that the recitation of “hybridization” in Claims 2, 14, 19, 31, 36 and 48 is incomplete because there is no antecedent basis for a hybridization assay step. Applicants respectfully disagree. The independent Claims in question are directed to e.g. computer implemented methods (Claims 2 and 14), systems (Claims 19 and 31) and computer-readable media (Claims 36 and 48), not to biological/chemical processes where recitation of a hybridization step would be appropriate. However, solely to expedite prosecution of the application, Applicants have amended Claims 2, 14, 19, 31, 36 and 48 to remove the recitation of “hybridization”. Support for

for the amendments may be found, for example in at least pages 14 (lines 11-15) and 15 (lines 10-24) of the Specification. Applicants assert that no new matter is presented by the amendments.

For the above reasons, Applicants respectfully request that the rejections to Claims 2-12, 14-17, 19-29, 31-34, 36-46 and 48-51 be withdrawn.

### CONCLUSION

Applicants believe the application is now in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 731-5000.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

If the Examiner has any questions pertaining to this application, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,



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